

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Raythum Johnson,

Plaintiff,

vs.

Nathaniel Moody; Brown Funeral Home,

Defendants.

C/A No. 3:24-cv-3749-JFA-PJG

OPINION AND ORDER

Plaintiff Raythum Johnson, (“Plaintiff”), proceeding *pro se*, brings this brings this breach of contract claim against Defendants Nathaniel Moody and Brown Funeral Home. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.), the case was referred to the Magistrate Judge for pretrial proceedings. Specifically, the Magistrate Judge conducted an initial review of Defendant’s motion to dismiss for lack of jurisdiction. (ECF No. 5).

After reviewing the motion and subsequent briefing, the Magistrate Judge assigned to this action prepared a thorough Report and Recommendation¹ (“Report”), which opines that the motion be granted. (ECF No. 18). The Report sets forth, in detail, the relevant facts and standards of law on this matter, and this Court incorporates those facts and standards without a recitation.

Plaintiff was advised of his right to object to the Report, which was entered on the docket on September 30, 2024. *Id.* The Magistrate Judge required Plaintiff to file objections by October 15, 2024. *Id.* Plaintiff failed to file any objections and the time for doing so has elapsed. Thus, this matter is ripe for review.

¹ The Magistrate Judge’s review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(d) (D.S.C.). The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976).

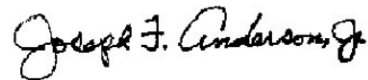
A district court is only required to conduct a *de novo* review of the specific portions of the Magistrate Judge's Report to which an objection is made. *See* 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b); *Carniewski v. W. Virginia Bd. of Prob. & Parole*, 974 F.2d 1330 (4th Cir. 1992). In the absence of specific objections to portions of the Magistrate's Report, this Court is not required to give an explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

Here, Plaintiff has failed to raise any objections and therefore this Court is not required to give an explanation for adopting the recommendation. A review of the Report and prior filings indicates that the Magistrate Judge correctly concluded that Defendant is entitled to dismissal because this court lacks subject matter jurisdiction.

After carefully reviewing the applicable laws, the record in this case, and the Report, this Court finds the Magistrate Judge's recommendation fairly and accurately summarizes the facts and applies the correct principles of law. Accordingly, this Court adopts the Magistrate Judge's Report and Recommendation and incorporates it herein by reference. (ECF No. 18). Consequently, Defendants' Motion to dismiss for lack of jurisdiction is granted (ECF No. 5) and this matter is dismissed without prejudice. Additionally, Plaintiff's motion for summary judgment (ECF No. 16) is dismissed as moot.

IT IS SO ORDERED.

November 14, 2024
Columbia, South Carolina



Joseph F. Anderson, Jr.
United States District Judge